

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,
Plaintiff,

v.

CIVIL NO. 2:23-cv-00745-JLS

JEFFERY A. COPP
Defendants.

**STATEMENT OF MATERIAL FACTS AS TO WHICH THERE IS NO GENUINE
ISSUE TO BE TRIED**

Pursuant to Rule 56 of the Local Rules of the United States District Court for the Western District of New York, Plaintiff the United States of America, by and through undersigned, hereby states that there are no genuine issues to be tried with respect to the following material facts:

1. This action was commenced on July 26, 2023 by the filing of the original Complaint and Notice of Pendency. *See Pl's Complaint*, Jul. 26, 2023, [ECF 1]. A duplicate original of the Notice of Pendency was filed in the Erie County Clerk's Office on May 23, 2024. *See Recorded Notice of Pendency*, attached to Pl's Mot. For Summary Judgment as Exhibit G.
2. The Summons and Complaint have been served on Defendant Jeffery Copp. *See Summons Returned Executed*, Jun. 3, 2024, [ECF 29].
3. Defendant Jeffery Copp initially filed an Answer on September 5, 2023. *See Def. Answer*, Sep. 5, 2023, [ECF 9].

4. Through counsel, and following the re-service of the Summons and Complaint along with all required notices under the New York Real Property Actions & Proceedings Law ('RPAPL'), Defendant Jeffery Copp filed an Answer on June 17, 2024. *See Affidavit of Thomas L. Sooy*, at ¶17, attached to Pl's Mot. For Summary Judgment; *See also Recorded Notice of Pendency*, attached to Pl's Mot. For Summary Judgment as Exhibit G; *See also Summons Returned Executed*, Jun. 3, 2024, [ECF 29]; *See also Def. Answer*, Jun. 17, 2024, [ECF 30].
5. This is an action to foreclosure certain real property located at 195 Laurie Lane Grand Island, New York 14072 in Erie County, New York. *See Promissory Note*, attached to Pl's Mot. For Summary Judgment as Exhibit A.
6. The real property is encumbered by a mortgage executed by Defendant Jeffery Copp and delivered to the United States Department of Agriculture. *See Mortgage*, attached to Pl's Mot. For Summary Judgment as Exhibit B.
7. The mortgage was duly recorded in the Erie County, New York Clerk's Office. *See Id.*
8. The mortgage was made by Defendant Jeffery Copp to secure payment under a Promissory Note executed and delivered to the United States Department of Agriculture. *See Id.*
9. Defendant Jeffery Copp failed to comply with the provisions and conditions of the Promissory Note and Mortgage by failing to make payments in accordance with the terms of

the documents. *See March 9, 2018 Certificate of Indebtedness*, attached to Pl's Mot. For Summary Judgment as Exhibit C.

10. By reason of Defendant Jeffery Copp's default, the United States of America has elected to accelerate the Note and Mortgage and declare the entire sum secured by the Mortgage immediately due and payable. *See Acceleration Letters*, attached to Pl's Mot. For Summary Judgment as Exhibit D.
11. There is now justly due and payable to the United States of America, as of October 21, 2024, on the Promissory Note and Mortgage, the sum of \$289,616.27. *See Affidavit of Jennifer Jackson*, at ¶8.
12. On September 12, 2017, Defendant Jeffery Copp filed a petition for relief under Chapter 7 of the United States Bankruptcy Code that commenced United States Bankruptcy Court for the Western District of New York case no. 17-11901. A discharge was granted on December 14, 2017 and the case was closed on February 21, 2018. The United States of America is in turn only seeking to enforce its security interest in the mortgaged property through this action. *See Pl's Complaint*, at ¶10, Jul. 26, 2023, [ECF 1].
13. The Answer filed by Defendant Jeffery Copp on June 17, 2024 admits the allegations in the Complaint that allege that he executed the Promissory Note and Mortgage at issue. *See Def. Answer*, Jun. 17, 2024, [ECF 30].

14. For the reasons set forth in the Memorandum of Law in support of the United States of America's Renewed Motion for Summary Judgment-In rem Foreclosure, the United States is entitled to judgment as a matter of law.

WHEREFORE, the United States of America respectfully requests that the Court grant the Plaintiff's Renewed Motion for Summary Judgment and enter a Judgment of Foreclosure and Sale.

Dated: October 31, 2024

Respectfully submitted,

By: /s/ Thomas L. Sooy, Esq.
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